IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 14876 of 2005

Between:

N.Malla Reddy, (E92468), S/o.Anthi Reddy,
Bus Depot, APSRTC, Korutla, Karimnagar district.

..... PETITIONER

AND

APSRTC, Rep by its Depot Manager,

Korutla, Karimnagar district.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction, especially one in the nature of Writ of Mandamus: 1). Declare the impugned Proceedings No.01/136(1)/2005-KRTL dt.17-6-2005 issued by the respondent as illegal, arbitrary and set aside the same.
2). Consequently, direct the respondent to reinstate the petitioner into service duly granting all other consequential benefits.

Counsel for the Petitioner : Mr.K.VASUDEVA REDDY

Counsel for the Respondent : SMT.P.RAJANI REDDY

The Court at the stage of admission made the following :

ORDER:

This writ petition is filed by the petitioner aggrieved by the order of suspension pending disposal of the criminal case registered against the petitioner.

According to the petitioner, while passing the impugned order of suspension dated 17-06-2005, the respondent did not apply his mind. Therefore, the impugned order of suspension is liable to be set aside.

Heard the learned counsel for the petitioner and the learned standing counsel.

A perusal of the impugned order of suspension shows that the petitioner along with two others were causing public nuisance. On that, a complaint was registered with the police and the petitioner along with two others was arrested and have been remanded to judicial custody. Therefore, the respondent has initiated proceedings and placed the petitioner under suspension.

In view of the involvement of the petitioner in the criminal case and was being arrested, he cannot claim that the respondent has not applied his mind to the facts of the case. At the stage when a criminal case has been registered against the petitioner, the respondent cannot conduct an enquiry and adjudicate upon the truth or otherwise of the allegation made against the petitioner and others in a criminal case, which was registered with the police. The learned counsel did not dispute as to the power of the respondent to place the petitioner under suspension under regulations.

In view of the circumstances of the case, this court declines to go into the merits of the contentions advanced by the learned counsel for the petitioner and to interfere with the impugned order.

Accordingly, the writ petition is dismissed. No costs.

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S. ANANDA REDDY, J.

Dated: 11..07..2005.

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To

1. The Depot Manager,

APSRTC, Korutla,

Karimnagar district.

2. Two CD copies

3 One CC to MR.VASUDEVA REDDY